

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Benjamin Cabrera;

No. 0:01-CV-1682 (DNH/GLS)

Plaintiff,

v.

MEMORANDUM AND ORDER

Superintendent Senkowski; Hearing
Officer Phillips; and Sergeant Senecal;

Defendants.

On June 6, 2005, the Court dismissed Defendants Senkowski and Senecal from this action, and ordered Plaintiff to effect personal service Defendant Phillips by June 30, 2005. The Court instructed Plaintiff that if service was not effected by June 30, 2005, Plaintiff's claims against Defendant Phillips would be dismissed and the Complaint would be dismissed with prejudice.

Plaintiff has failed to comply with the Court's June 6, 2005, Order. Accordingly, based on all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Phillips is **DISMISSED** from this action; and
2. Plaintiff's Complaint is **DISMISSED with prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 5, 2005

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge